

BEFORE THE

OCT. - 4 1993

**Federal Communications Commission**

WASHINGTON, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Redevelopment of Spectrum to  
Encourage Innovation in the  
Use of New Telecommunications  
Technologies

ET Docket No. 92-9

To: The Commission

**PETITION OF THE  
FORESTRY-CONSERVATION COMMUNICATIONS ASSOCIATION  
FOR PARTIAL RECONSIDERATION**

The Forestry-Conservation Communications Association ("FCCA") hereby requests that the Commission reconsider that portion of the Third Report and Order in the above-captioned proceeding which modifies the "public safety" exemption from mandatory relocation out of the 2 GHz microwave band. Third Report and Order in ET Docket 92-9, FCC 93-351 (released August 13, 1993), 58 Fed. Reg. 46547 (September 2, 1993), at ¶52.

The FCCA is the FCC-certified Part 90 frequency coordinator for the Forestry-Conservation Radio Service. FCCA also represents its parent organizations, the National Association of State Foresters ("NASF") and the International Association of Fish and Wildlife Agencies ("IAFWA"), on matters relating to radio communications. The members of the NASF and IAFWA provide a full range of public

safety related services, including fire protection, law enforcement, and emergency medical services over wide areas of state owned and/or protected lands.

FCCA supports the Commission's proposal to grandfather "public safety" licensees. However, FCCA is opposed to the Commission's adoption in the Third Report and Order of an unprecedented and overly narrow definition of "public safety," which could lead to some forestry-conservation public safety licensees being forced to relocate their critical microwave facilities. Of particular concern to FCCA, is the less favorable treatment afforded microwave facilities licensed based upon eligibility in the Part 90, Subpart B, Forestry-Conservation, Local Government, and Highway Maintenance Radio Services. These are all "Public Safety Radio Services" under Part 90, Subpart B, of the Commission's rules, and all should be exempt from forced relocation.

The Commission appears to have ignored the fundamental and inherent role of forestry conservation agencies in the protection of life and property. Forestry conservation includes both wildlife code enforcement and forest fire fighting, in addition to first response emergency medical and general law enforcement services for public park and recreational lands throughout the nation. These services are just as critical to the safety of life and property as any other "public safety" agency activity.

Fighting forest fires, which requires extensive wide area radio communications, is certainly the most visible public safety activity of forestry conservation agencies. However, even the day-to-day activities of these agencies are critical to the ultimate protection of life and property. While the large and devastating wildfires may attract the news media, most day-to-day forestry conservation communications are related to activities preventing the fires and, in the case of wildlife enforcement, ensuring safe and appropriate hunting and fishing practices. In fact, the absence of communications in prevention generally leads to an increase in life-threatening incidents.

The Commission's modification of the public safety exemption also ignores the role of "expanded dispatch" in forestry conservation communications. This occurs when facilities, equipment, and communications channels that may normally be used for administrative purposes are totally devoted to fire work during a forest fire. In effect, all communications channels assigned to the responsible agency can be called to emergency duty. During a large forest fire, administrative headquarters become command posts, trucks become troop carriers, and administrative microwave and radio channels are filled with fire dispatch, logistics, and command traffic.

General law enforcement is also a vital aspect of forestry conservation communications. Forestry and other state and local park officers using Forestry-Conservation land mobile and microwave channels are the first, if not only, line of defense against crime on and near hundreds of thousands of acres of state owned and/or controlled land. Their activities are just as important to the safety of life and property as a police officer in a major city. The same agencies may also provide emergency medical care, often in remote areas far from hospitals and other health care facilities. All of these situations demand uninterrupted wide area radio communications, which in turn, often requires microwave links to tie together remote transmitter sites.

All Forestry-Conservation Radio Service communications protect the safety of life and property, and all such communications must be afforded full protection from disruption due to forced microwave facility relocation. Furthermore, treating Forestry-Conservation Radio Service eligibles differently from other state and local government public safety agencies is contrary to express Congressional intent.<sup>1/</sup>

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<sup>1/</sup> See Petition for Partial Reconsideration of the Public Safety Microwave Committee.

## CONCLUSION

FCCA supports redevelopment of the spectrum to encourage new technology. However, this redevelopment should not be at the expense of communications critical to the safety of the public, forestry conservation wildlife agents, park rangers, and firefighters who live, work, or recreate on public and designated private rural land. Therefore, all microwave facilities licensed based upon eligibility in the Forestry-Conservation Radio Service, as well as facilities licensed in any other Part 90, Subpart B, Public Safety Radio Service, must be exempt from forced relocation from the 2 GHz microwave band.

Respectfully submitted,

FORESTRY-CONSERVATION  
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